

DEED RESTRICTION-"Exhibit C"

THIS DEED RESTRICTION is made, imposed and declared on this ____ day of _____, 2008 by **LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT** ("Grantor") whose address is 527 W. Jefferson Street, Louisville, Kentucky 40202.

W I T N E S S E T H:

WHEREAS, Grantor is the owner of ____ tracts of land located in the Floyds Fork Watershed of Jefferson County, Kentucky, more particularly described on Exhibit A (the "Property");

WHEREAS, it is the desire and intention of the Grantor to recognize the natural, scenic, and open-space and recreational value and significance of the Property, and have the common purpose of conserving, preserving, maintaining and developing the Property for public access and use in perpetuity for park purposes, in accordance with the terms of this Deed Restriction;

WHEREAS, 21st Century Parks, Inc. and Future Fund, Inc. also own parcels of land located in the Floyds Fork Watershed of Jefferson County, Kentucky, more particularly described on Exhibit B, which are subject to a Deed Restriction for the use of the property for public park purposes;

NOW THEREFORE, in accordance with the foregoing preambles, which are incorporated herein subject to the following terms hereof, Grantor hereby declares that the real property ("Property"), more fully described on Exhibit A and made a part hereof, shall be owned, held, used and occupied subject to the rights, privileges, covenants, conditions, and restrictions set forth herein.

1. **Deed Restrictions.** Grantor hereby voluntarily grants and conveys to the public the following Deed Restrictions on the Property:

- a. There shall be no subdivision or partitioning of the Property.
- b. Grantor hereby irrevocably dedicates and commits the Property for public park purposes.
- c. No development or construction shall occur on the Property except for public and other recreational park purposes and park-related uses (e.g., including, but not limited to, sports fields, passive recreation, horticultural, silvacultural, agricultural, hiking trails, restrooms, picnic areas, maintenance buildings, utility easements, interpretive or park visitor centers, concession stands, restrooms, park drives and parking areas).
- d. A portion of the property shall be used for a one hundred (100) foot wide Trail Corridor through the Property so as to link this Property with other properties in the Floyds Fork Watershed of Jefferson County, Kentucky. The location and design

of this Trail Corridor shall be established by the creation of a Master Plan by Grantor and 21st Century Parks, Inc. The Trail Corridor shall be for public access and use, including hiking, equestrian, and biking trails, park maintenance vehicles, and emergency vehicles.

2. **Rights of General Public.** Grantor grants and conveys to the general public the right to use and enjoy the Property consistent with this Deed Restriction subject to such rules and regulations as the Grantor may adopt to the extent permitted by applicable law.

3. **Restrictions on Grantor.** Grantor shall not allow or impose any use of the Property that is not consistent with this Deed Restriction.

4. **Binding Effect and Assignment.** This Deed Restriction shall run with the land and shall be binding upon Grantor, its successors and assigns and shall inure to the benefit of the public who shall have the right to enforce such restriction.

5. **Severability.** Each provision of this Deed Restriction shall be construed independent of any other provision. The invalidity or unenforceability of any particular provision of this Deed Restriction shall be construed in all respects as if such invalid or unenforceable provision were omitted.

6. **Recording.** This Agreement shall be recorded in the Office of the Clerk of Jefferson County, Kentucky.

**APPROVED BY THE METRO COUNCIL OF LOUISVILLE/JEFFERSON
COUNTY METRO GOVERNMENT BY RESOLUTION NO. _____, SERIES 2008.**

[SIGNATURE ON NEXT PAGE]

EXHIBIT A

(Legal Description of Grantor's Property)